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DEPARTMENT FOR AF/W; PARIS FOR AFRICA WATCHER

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SUBJECT: NIGER: PRESIDENT TANDJA NAMES NEW PRIME MINISTER TO
REPLACE THE ONE CENSURED BY THE NATIONAL ASSEMBLY

REF: (A) Niamey 756 (B) Niamey 737

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Summary

¶1. President Tandja appointed Seini Oumarou as Prime Minister to replace Hama Amadou, who was removed by the National Assembly's no confidence vote. The National Assembly's removal of the Prime Minister through constitutional means is a positive sign that Niger's relatively new democratic culture is taking hold. The move is unlikely to result in a significant shift in government policy, or in Amadou's chances in the 2009 presidential election. END
SUMMARY.

Out with the Old

¶2. On May 26, 14 opposition members of the National Assembly submitted a motion of no confidence against the GON over its handling of the Primary Education Ministry (MEBA) case. The opposition claimed that the GON jeopardized the ten-year educational development program funded by foreign donors. It also criticized the Prime Minister and two other senior ministers for using "various maneuvers, small tricks, and other legal quibbling" to avoid testifying before High Court of Justice's (HCJ) investigation commission.

¶3. Members of the ruling coalition tried to block action on the motion by questioning the motion's admissibility on the grounds that the issue was already before the HCJ and that two of the signatories of the no confidence motion were members of the HCJ. The speaker conferred with legal experts to solve the impasse, but to no avail. The majority submitted a petition to seek the Constitutional Court's advice on this issue.

¶4. On May 30, the Constitutional Court ruled that "1) the National Assembly could discuss a motion of no confidence referring to a case pending before the High Court of Justice without infringing the constitutional principles of the separation of powers and the independence of the judiciary. 2) the fact that two members of parliament and the High Court of Justice sign a motion of no confidence referring to a case pending before that court, participate in discussions and vote thereof does not vitiate the motion, but could render these two MPs unsuited for a seat in the panel of judges of the High Court of Justice if they have abandoned their duty to preserve secrecy."

¶5. On May 31, the National Assembly discussed and voted the motion of no confidence. Three of the four caucuses that make up the

National Assembly asked their members to support the motion. The tally was 62 for and 51 against. The vote was by secret ballot, but it appears that virtually all of the opposition and many of majority coalition voted for the motion, with the Prime Minister's support largely limited to his MNSD party, which has 48 Assembly seats.

¶6. Article 89 of Niger's Constitution provides that when the National Assembly adopts a motion of no confidence, "the Prime Minister submits the cabinet's resignation to the President." Article 119.10 of the National Assembly by-laws states, "the adoption of a motion of no confidence by a majority of members of the National Assembly automatically entails the resignation of the cabinet."

¶7. Hama Amadou responded to the Assembly's action by stating that "This is democracy at work. We are democrats and we hope that our democracy continues to grow. I congratulate the opposition for having achieved a masterstroke. A majority that lacks a soul can only crumble. However, this is not the fall of our regime; it is just the fall of a cabinet. I am glad to hear the PNDS's respect and full support for President Tandja. That makes two of us."

In with the New

¶8. Article 45 of Niger's Constitution provides that "the President of the Republic appoints the prime minister from a list of three (3) officials proposed by the majority. Upon the prime minister's proposition, he appoints the other members of the cabinet..." The President may also choose to reiterate his trust to the dismissed cabinet by dissolving the National Assembly (article 48 of the constitution). In this case, new elections should be held within 45 to 90 days to renew the National Assembly.

¶9. On June 3, President Tandja announced the appointment of Seini Oumarou as Prime Minister. Oumarou had been Minister of Equipment

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and Infrastructure since 2004, having previously served as Minister of Commerce from 1999 to 2004. He was born on August 9, 1950 in Tillabery. He graduated from the Ecole Suprieure de Commerce in Lyon, France, where he obtained his diploma of graduate studies in business management in 1974. From 1975 to 1978, he was deputy director of Niger Afrique, a car dealership; from 1979 to 1986, he was director of customer relations at the national electrical company (NIGELEC). After that, he became a private businessman, promoter and CEO of ENITRAP paper manufacturing company from 1987 to 1998, when the company filed bankruptcy. His political career started in 1995, when he was appointed Special Advisor to the Prime Minister. Mr. Oumarou is a close friend of the former PM Hama Amadou and number two in the executive board of the MNSD. He has been the president of the MNSD Tillabery section since 2002.

¶10. Oumarou's appointment followed long debates and maneuvers within each of the three caucuses that make up the majority at the National Assembly. Each of the caucuses chose a candidate to be considered by President Tandja, who selected Oumarou of the MNSD. The other two candidates were Abdou Hamani of the Democratic and Social Convention (CDS) and Ali Seyni of the "Rally of Democrats" group comprised of three parties: the National Alliance for Democracy and Progress (ANDP), the Social Democratic Rally (RSD), and the Rally for Democracy and Progress (RDP). Oumarou's competitor for the MNSD nod was reportedly former Agriculture Minister Wassalke Boukare, who is considered close to President Tandja.

¶11. No legal provisions determine the regional origin or ethnic affiliation of a candidate, but there is a tacit agreement within the political class that when the President of Niger is from the eastern region of the country, the prime minister should be from the west, and vice-versa. As President Tandja comes from the east, the prime minister should, in that spirit, be from the west. All three proposed candidates were from the west.

¶12. Many of the parliamentarians who voted for the no confidence motion expressed disappointment with Oumarou's appointment. They

did not see him a sufficient change from Amadou because he was a senior member of the cabinet that was dismissed on May 31 and was close to the former prime minister. They are concerned that Oumarou may try to divert the investigation into Amadou's alleged involvement in MEBA corruption case. Moreover, Oumarou himself has been implicated in the MEBA case. His critics claim that he lacks the leadership and insight required to be prime minister.

¶13. Oumarou had not announced a new government as of June 6. The Ministries are currently being run by their Secretaries General.

Comment

¶14. The peaceful and constitutional removal of the Prime Minister is an impressive demonstration of the respect for the rule of law in Niger's relatively brief democratic history. We expect many of the Ministers to be reappointed, particularly those viewed as close to President Tandja such as Foreign Minister Mindaoudou and Finance Minister Zeine. There is little reason to expect Amadou's removal will mark a change in government policy, or seriously undercut his front runner status in the 2009 presidential elections.

KORAN